

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

ERNESTO SANTIAGO,

Plaintiff,

v.

UNITED STATES OF AMERICA,

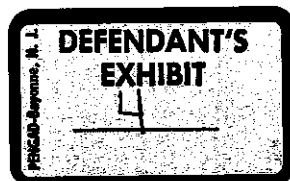
Defendants.

C.A. No. 04-335E
Judge McLaughlin
Magistrate Judge Baxter

DECLARATION OF DENNIS FLATT

I, Dennis Flatt, hereby declare as follows:

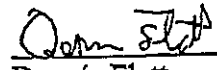
1. I have been employed by the Federal Bureau of Prisons ("BOP") at the Federal Correctional Institution (FCI) since September 1989. I have held a number of positions within the Recreation Department at FCI McKean, including Recreation Specialist, Assistant Supervisor of Recreation and the Supervisor of Recreation. I am currently the Supervisor of Education. In this position, I have responsibility for, among other things, the supervision of FCI McKean Education staff who process inmate requests for photocopies. I am familiar with the policies and procedures in place at FCI McKean for the processing of photocopy requests of inmates housed in the SHU at FCI McKean. As part of my official responsibilities, I make routine tours, or rounds, through the SHU. This declaration is based on personal information and information I have received in my official capacity.



2. I am familiar with the Plaintiff in this matter, FCI McKean inmate Ernesto Santiago, Reg No. 90304-038. I understand he alleges that I have refused to make photocopies of materials for him while he has been housed in the Special Housing Unit (SHU) at FCI McKean.
3. Plaintiff has alleged that when I make rounds through the SHU, I refuse his requests to make photocopies of his documents. The Plaintiff has submitted written requests to me while making rounds. I have accepted any and all such requests and, pursuant to the standard operating procedures, I have provided those requests to the Education staff members assigned to obtain and copy the documents for SHU inmates.
4. Although I have never personally copied such documents, I have routinely assisted in processing such requests by delivering the request for copies to the proper staff member and delivering the copied documents to the inmate.
5. I have never instructed a staff member to refuse the Plaintiff copies and I have followed all procedures in place to ensure inmates assigned to the SHU have access to the photocopying of documents.

In accordance with 28 U.S.C. §1746, I hereby declare under penalty of perjury that the foregoing is true and correct.

Dated: October 27, 2005



Dennis Flatt
Supervisor of Education
FCI McKean